



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,238	04/04/2005	Kumiko Ono	5259-000049/NP	1258

27572 7590 02/09/2009
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

SCHWARTZ, DARREN B

ART UNIT	PAPER NUMBER
----------	--------------

2435

MAIL DATE	DELIVERY MODE
-----------	---------------

02/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/530,238	Applicant(s) ONO ET AL.	
	Examiner DARREN SCHWARTZ	Art Unit 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,6,10,11,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) 11 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,6,10 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant amends claims 5, 6, 10, 11, 14 and 15. Claims 12 and 13 have been cancelled.

Election/Restrictions

Amended claims 11 and 15 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 11 and 15 are directed to determining whether or not the signal is addressed to the first server, directed to a distinct species [Figure 9].

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 11 and 15 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Amended claims 11 and 15 recite the limitation “transferring the signal to a second server when the signal is determined to be addressed to the second server” which is distinct from the limitations of claims 5, 6, 10 and 14.

Response to Arguments

Applicant's arguments with respect to claims 5, 6, 10 and 14 have been considered but are moot in view of the new ground(s) of rejection.

The fact that the Examiner may not have specifically responded to any particular arguments made by Applicant and Applicant's Representative, should not be construed as indicating Examiner's agreement therewith.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Holmes et al (U.S. Pat Pub 2002/0116610 A1), hereinafter referred to as Holmes.

Re claim 5: Holmes teaches a server that establishes a session between first and second communication devices, comprising:

a receiving unit [Fig 1, elt 140: certification authority computer system] that receives, from the first communication device [Fig 1, elt 110: subscriber computer system], a request for registering an address information on the first communication device and issuing a public key certificate of the first communication device (¶10; ¶31; ¶44);

an issuing-and-validating unit that issues the public key certificate of the first communication device to the first communication device (¶5; ¶10; ¶49); and

a storing unit [Fig 1, elt 150: central database] that stores the address information and the public key certificate with a validity period of the address information being set to that of the public key certificate (¶31; ¶35: lines 14-18; ¶45).

Art Unit: 2435

Re claim 6: Holmes teaches the receiving unit receives, from the second communication device [Fig 1, elt 130: recipient computer system], a request for validating the public key certificate issued to the first communication device, and the issuing-and-validating unit validates the public key certificate and indicates a result of the validation to the second communication device (page 2, left column, ¶28, line 17 - page 2, right column, ¶28, line 8; ¶45; ¶49).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmes et al (U.S. Pat Pub 2002/0116610 A1), hereinafter referred to as Holmes, in view of Ono et al (U.S. Pat Pub 2002/0035685 A1), hereinafter referred to as Ono.

Re claims 10 and 14: Holmes teaches a method for a server to control a session between first and second communication devices and a computer readable recording medium storing a program for a server to control a session between first and second communication devices, the program making a computer execute (Abstract; ¶52-¶53):

receiving, from the first communication device, a signal for requesting a registration of an address information on the first communication device;

determining whether or not the signal includes a request for issuing a public key certificate of the first communication device to the first communication device (¶10; ¶31; ¶44);

storing the address information and the public key certificate of the first communication device with a validity period of the address information being set to that of the public key certificate (¶31; ¶35: lines 14-18; ¶45); and

transmitting, to the first communication device, a signal that indicates a completion of registering the address information and includes the public key certificate (¶5; ¶28).

However, Ono teaches:

issuing the public key certificate when the signal is determined to include the request for issuing the public key certificate (Fig 2, elt P12: ¶76).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Holmes with the teachings of Ono, for the purpose of providing explicit instructions to a serving entity; servers provide a plurality of functions and it is widely accepted that servers require explicit instructions of prior to executing a particular function.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to

Art Unit: 2435

specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the text of the passage taught by the prior art or disclosed by the examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat Pub 2005/0102522 A1

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 2435

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARREN SCHWARTZ whose telephone number is (571)270-3850. The examiner can normally be reached on 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571)272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. S./
Examiner, Art Unit 2435

/Kimyen Vu/

Supervisory Patent Examiner, Art Unit 2435